

Legal Aid Act

CHAPTER 205**LEGAL AID ACT****ARRANGEMENT OF SECTIONS**

SECTION

PART I.—ESTABLISHMENT OF LEGAL AID COUNCIL

1. Legal Aid Council.
2. Membership of the Council, etc.
3. Director-General of Legal Aid and other staff of the Council.
4. Service in the Council to be pensionable.
5. State branches of the Council.
6. Power of National Council of Ministers to give directions to the Council.

PART II.—LEGAL AID AND ADVICE

7. Scope of Legal Aid to be given.

PART III.—FINANCIAL ASPECTS OF LEGAL AID

8. Legal Aid Fund.
9. Persons entitled to Legal Aid.
10. Ascertainment of means.
11. Power to accept gifts.
12. Audit.

PART IV.—LEGAL PRACTITIONERS

13. Legal practitioners.
14. Lawyers serving in Youth Corps to give free Legal Aid.

PART V.—MISCELLANEOUS AND SUPPLEMENTARY

15. Secrecy.
16. Penalty for false information.
17. Annual reports.
18. Regulations.
19. Interpretation.
20. Short title, etc.

FIRST SCHEDULE**SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL**

SECOND SCHEDULE**PROCEEDINGS IN RESPECT OF WHICH LEGAL AID MAY BE GIVEN**

Legal Aid Act

CHAPTER 205

LEGAL AID ACT

1976 No. 56
1978 No. 34
1979 No. 18
1986 No. 10

An Act to provide for the establishment of a Legal Aid Council which will be responsible for the operation of a scheme for the grant of free Legal Aid in certain proceedings to persons with inadequate resources.

Commence-
ment.

[2nd May 1977]

PART I.—ESTABLISHMENT OF LEGAL AID COUNCIL

Legal Aid
Council.

1. (1) There shall be established a council to be known as the Legal Aid Council which shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

(2) The Council shall have responsibility for the provision in accordance with this Act of Legal Aid and advice to and in respect of persons entitled thereto.

Membership
of the
Council, etc.

2. (1) The Council shall consist of a chairman to be appointed by the National Council of Ministers and the following other members, that is—

- (a) a representative of the Attorney-General;
- (b) a representative of the Federal Ministry of Finance and Economic Development;
- (c) a representative of the National Youth Service Corps Directorate;
- (d) a representative of the Inspector-General of Police;
- (e) four representatives of the Nigerian Bar Association, one of whom shall be the General Secretary of that Association;
- (f) the Director-General of Legal Aid; and
- (g) five other persons to represent interests not otherwise represented above to be appointed by the National Council of Ministers.

(2) The supplementary provisions set out in the First Schedule to this Act shall have effect with respect to the

Legal Aid Act

tenure of office of members of the Council and the other matters mentioned therein.

3. (1) There shall, on the recommendation of the Attorney-General, be appointed by the National Council of Ministers a Director-General of Legal Aid who shall be the chief executive officer of the Council and shall be responsible for the day-to-day running of the affairs of the Council.

Director-General of Legal Aid and other staff of the Council.

(2) A person shall not be qualified to hold or to perform the functions of the office of Director-General unless he is a legal practitioner of not less than ten years standing.

(3) There shall be paid to the Director-General such salary and allowances as may be determined by the Council with the approval of the National Council of Ministers:

Provided that such salary and allowances are not less than those payable to the Director-General of any Ministry of the Government of the Federation.

1986 No. 10.

(4) There may be appointed from time to time, by the Council, such supporting legal and other staff as may be required for the purposes of the efficient performance of the duties of the Council under or pursuant to this Act.

(5) Subject to subsection (3) of this section, the remuneration and tenure of office and conditions of service of the staff of the Council shall be determined by the Council after consultation with the Federal Civil Service Commission.

4. (1) Notwithstanding the provisions of the Pensions Act, it is hereby declared that service in the Council shall be approved service for the purposes of that Act and, accordingly, the Director-General and other members of staff of the Council shall in respect of their service in the Council be entitled to pensions, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades in the public service of the Federation.

Service in the Council to be pensionable. Cap. 346.

Legal Aid Act

Cap. 346.

(2) For the purposes of the application of the Pensions Act in accordance with this Act—

- (a) sections 3 (1) (a) and 21 of that Act shall have effect as if for references to the Minister there were substituted references to the Council;
- (b) the power under sections 3 (1) (b) and 4 (2) of that Act shall be exercisable by the Council and not by any other authority.

(3) Nothing in this section shall be construed as preventing the appointment of a person to any office in the Council on terms which preclude the grant of a pension and gratuity in respect of that office.

State branches of the Council.

5. The Council may establish such number of branches of the Council in the States as the National Council of Ministers may, from time to time, direct.

Power of National Council of Ministers to give directions to the Council.

6. The National Council of Ministers may give the Council directions of a general character or relating generally to particular matters with regard to the exercise by the Council of its functions under or pursuant to this Act, and it shall be the duty of the Council to ensure that the directions are complied with.

PART II.—LEGAL AID AND ADVICE

Scope of Legal Aid to be given.

7. (1) Subject to the provisions of this section, proceedings in connection with which Legal Aid may be granted shall be in respect of criminal and civil matters specified in the Second Schedule to this Act and no Legal Aid shall be granted in respect of proceedings not so specified.

(2) Notwithstanding the provisions of subsection (1) of this section, the National Council of Ministers may by regulations—

- (a) provide that Legal Aid be given in respect of such types or classes of criminal or civil proceedings as may be specified;
- (b) vary the proceedings in connection with which Legal Aid may be given and such regulations may specify

Legal Aid Act

the proceedings to be included or excluded by reference to—

- (i) the court or tribunal,
- (ii) the issues involved,
- (iii) the capacity in which the person requiring Legal Aid is concerned,
- (iv) proceedings in the Second Schedule to this Act,
- (v) provision of legal advice in civil causes and matters,

or otherwise howsoever.

(3) Notwithstanding the provisions of this Act, or of any regulations made thereunder, Legal Aid shall not be provided in connection with proceedings before any court or tribunal before which persons have no right to be defended or represented by a legal practitioner.

(4) Legal Aid shall consist, on terms provided for in this Act, of—

- (a) the assistance of a legal practitioner including all such assistance as is usually given by a legal practitioner in the steps preliminary or incidental to any proceedings;
- (b) representation by a legal practitioner before any court; and
- (c) such additional aid (including advice in civil causes and matters) as may be prescribed.

(5) Where regulations made pursuant to this section provide for Legal Aid in civil proceedings, provision shall be made therein to the effect that a person shall not be given Legal Aid in connection with any such proceedings unless he shows to the satisfaction of the Director-General or other person authorised by the Council that he has reasonable grounds for taking, defending or being a party thereto, and may also be refused Legal Aid if it appears unreasonable that he should receive it in the particular circumstances of the case.

(6) Save as expressly provided by this Act—

- (a) the fact that the services of a legal practitioner are given by way of Legal Aid shall neither affect the

relationship between or rights of legal practitioner and client or any privilege arising out of such relationship; and

- (b) the rights conferred by this Act on a person receiving Legal Aid shall not affect—
- (i) the rights or liabilities of other parties to the proceedings,
 - (ii) the principles on which the discretion of any court or tribunal is normally exercised.

PART III.—FINANCIAL ASPECTS OF LEGAL AID

Legal Aid
Fund.

8. There is hereby established a fund to be known as the Legal Aid Fund into which there shall be paid—

- (a) such sums as may be provided from time to time by the Government of the Federation or of a State for payment into the fund;
- (b) such sums as may be paid by way of contribution under or pursuant to the provisions of this Act or any other enactment; and
- (c) subject to section 11 (2) of this Act, all sums accruing to the Council by way of gifts, testamentary disposition, contributions from philanthropic persons or organisations or otherwise howsoever.

Persons
entitled to
Legal Aid.
1986 No. 10.

9. (1) Legal Aid shall only be granted to a person whose income does not exceed ₦1,500 per annum.

(2) Notwithstanding the provisions of subsection (1) of this section, the National Council of Ministers may by regulation provide for the giving of Legal Aid on a contributory basis to a person whose income exceeds ₦1,500 per annum:

Provided that—

- (a) the Council shall recover the expenses incurred in giving Legal Aid to such a person by the retention of both an amount equal to 10 per cent of the damages awarded and the costs awarded to him;
- (b) where such a person has been granted Legal Aid on a contributory basis he shall be entitled to a refund of his contribution from such costs.

Legal Aid Act

(3) No contribution made under subsection (2) of this section shall exceed the appropriate sum calculated in the manner prescribed for that purpose.

(4) The Council shall not be liable in any way to pay costs howsoever awarded against a person granted Legal Aid.

(5) The rules of any court relating to payment of fees shall not apply to a person granted Legal Aid.

10. (1) In ascertaining the means of any person for the purposes of this Act, that person's income and his personal and real property shall be taken into account. Ascertainment of means.

(2) In assessing a person's means, such of his commitments as may be prescribed shall be deducted from the resources which would otherwise be his means.

11. (1) The Council may accept gifts of land, money or other property upon such trusts and conditions, if any, as may be specified by the person or organisation making the gift. Power to accept gifts.

(2) The Council shall not accept any gift if the conditions attached by the person or organisation making the gift to the acceptance thereof are inconsistent with the functions of the Council.

12. The accounts of the Council shall be audited as soon as may be after the end of each financial year by auditors appointed by the Council and the fees of the auditors and the expenses for the audit generally shall be paid from the funds of the Council. Audit. 1986 No. 10.

PART IV.—LEGAL PRACTITIONERS

13. (1) Panels of legal practitioners willing to act for persons receiving Legal Aid (whether gratuitously or otherwise) shall be prepared and maintained by the Council and there may be separate panels for different purposes, for different courts and for different districts. Legal practitioners.

Legal Aid Act

(2) Any legal practitioner shall be entitled to have his name on the appropriate panel or panels unless the Council thinks that there is good reason (arising out of his conduct when acting or selected to act for persons receiving Legal Aid or his professional conduct generally or, in the case of a member of a firm of legal practitioners, out of that of any person who is for the time being a member of the firm) for excluding him.

(3) Where a legal practitioner is aggrieved by any decision excluding him (whether permanently or temporarily) from any panel he may appeal against the decision of the Council to the Attorney-General, and the Attorney-General (whose decision shall be final) may confirm or quash the decision appealed against or may substitute such decision as he thinks fit.

(4) Where a person is entitled to receive Legal Aid, the legal practitioner to act for him shall be selected from the appropriate panel, and he shall be entitled to make the selection himself:

Provided that—

- (a) this subsection shall not prejudice the rights of a legal practitioner where he has good reason to refuse or give up a case or entrust it to another; and
- (b) the legal practitioner selected, if shown on the panel as a member of a firm, shall act in the name of the firm.

(5) Subject to the provisions of this Act, a legal practitioner who has acted for a person receiving Legal Aid shall be paid for so acting by the Council out of the Legal Aid Fund and the legal practitioner shall not demand or receive any payment from such person receiving Legal Aid.

(6) The sums payable under subsection (5) of this section to a legal practitioner shall be such as may be determined in the prescribed manner.

(7) In the foregoing provisions of this section, references to acting for a person receiving Legal Aid shall, in relation to a legal practitioner, include acting indirectly for such a person, as agent for his legal practitioner, so however that any selection from any panel of a legal practitioner to act

Legal Aid Act

as agent shall be made by the legal practitioner for whom he is to act.

14. Notwithstanding the provisions of any other enactment (including rules of court), legal practitioners for the time being serving in the National Youth Service Corps shall, if the Council so directs, act for a person receiving Legal Aid, in which case no payment shall be made by the Council or any other person for the services of any such legal practitioner.

Lawyers serving in Youth Corps to give free Legal Aid.

PART V.—MISCELLANEOUS AND SUPPLEMENTARY

15. (1) Subject to subsection (2) of this section, no information furnished to the Council for the purposes of this Act in connection with the case of a person seeking or receiving Legal Aid or advice, shall be disclosed by any other person otherwise than—

Secrecy.

- (a) for the purpose of facilitating the proper performance by any person or body of persons of functions under this Act; or
- (b) for the purpose of any criminal proceedings for any offence thereunder or of any report of such proceedings.

(2) Subsection (1) of this section shall not prevent the disclosure of information for any purpose with the consent of the person in connection with whose case it was furnished and, where he did not furnish it himself, with that of the person or body of persons who furnished it.

(3) Any person who otherwise than in compliance with the provisions of this Act or of any regulations made thereunder discloses information obtained by him shall be guilty of an offence and shall be liable on summary conviction to a fine of ₦200 or imprisonment for a term not exceeding six months or to both such fine and imprisonment.

16. If a person seeking or receiving Legal Aid or advice in furnishing any information required under or pursuant to this Act, knowingly or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence and shall be liable on summary conviction to a

Penalty for false information.

Legal Aid Act

fine of ₦200 or imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Annual reports.

17. The Council shall in each year make a report to the National Council of Ministers through the Attorney-General of its proceedings under this Act during the preceding year containing—

- (a) an account of its operations and transactions throughout the preceding year; and
- (b) a statement of the accounts of the Council audited in accordance with section 12 of this Act.

Regulations.

18. The Attorney-General may make regulations generally for the better carrying on of the purposes of this Act and, without prejudice to the generality of the foregoing, such regulations may make provision for—

- (a) anything which is to be or which may be prescribed under this Act;
- (b) the form of any certificate, any application and any other document which may be required for the purposes of this Act;
- (c) the manner in which the means of any person who may be eligible for Legal Aid shall be computed;
- (d) the manner in which contributions into the Legal Aid Fund are to be made by persons receiving Legal Aid or advice and in which sums owing from such persons to the Council may be recovered;
- (e) reports and information required by the Council for the purposes of this Act to be supplied by public officers and other persons; and
- (f) matters which appear to the Attorney-General necessary or desirable for giving effect to the provisions of this Act or for preventing abuses thereof.

Interpretation.

19. (1) In this Act, unless the context otherwise requires—

“Attorney-General” means the Attorney-General of the Federation;

“Council” means the Legal Aid Council established under section 1 of this Act;

Legal Aid Act

“Legal Aid” has the meaning given to the expression in section 7 (4) of this Act;

“offence” means an offence of a class specified in the Second Schedule to this Act or prescribed by the National Council of Ministers;

“tribunal” includes an *ad hoc* tribunal.

(2) In this Act, references to the Council include, where appropriate, references to the Director-General or any staff of the Council appointed in pursuance of section 3 of this Act.

(3) In this Act, references to persons seeking or receiving Legal Aid do not include references to bodies of persons whether corporate or unincorporate.

20. (1) This Act may be cited as the Legal Aid Act.

Short title,
etc.

(2) The provisions of this Act shall be without prejudice to section 32 of the Supreme Court Act or to the provisions of any other enactment relating to the grant of legal aid by any court or other body.

Cap. 424.

FIRST SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Section 2(2).

Tenure of Office

1. (1) The Chairman shall hold office for three years and shall be eligible for re-appointment for one further period of three years. 1978 No. 34.

(2) Members of the Council (not being *ex officio* members) shall hold office for three years and shall be eligible for re-appointment for one further period of three years.

2. The Chairman or any of the members of the Council referred to in paragraph 1 (2) of this Schedule may by notice addressed to the Council resign his appointment.

Proceedings of the Council

3. (1) Subject to this Act and to section 27 of the Interpretation Act, the Council may make standing orders regulating the proceedings of the Council or of any committee thereof. Cap. 192.

Legal Aid Act

(2) The quorum of the Council shall be the Chairman and four other members, and the quorum of any committee of the Council shall be determined by the Council.

4. (1) Subject to the provisions of any standing orders of the Council, the Council shall meet whenever it is summoned by the Chairman; and if the Chairman is required to do so by notice given him by not less than three other members he shall summon a meeting of the Council to be held within 20 days from the date on which the notice is given.

(2) At any meeting of the Council, the Chairman shall preside, but if he is absent, the members present at the meeting shall appoint one of their number to preside at that meeting.

(3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as it thinks fit; but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.

(4) Notwithstanding anything in the provisions of sub-paragraphs (1), (2) and (3) of this paragraph, the first meeting of the Council shall be summoned by the Attorney-General.

Committees

5. (1) The Council may appoint one or more committees to carry out, on behalf of the Council, such of its functions as the Council may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the Council, and not more than one-third of those persons may be persons who are not members of the Council; and a person other than a member of the Council shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.

(3) A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.

Miscellaneous

6. (1) The fixing of the seal of the Council shall be authenticated by the signature of the Chairman or of some other member authorised generally or specially to act for that purpose by the Council.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Council by any person generally or specially authorised to act for that purpose by the Council.

Legal Aid Act

(3) Any document purporting to be a document executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

7. Members of the Council who are not public officers shall be paid out of moneys at the disposal of the Council such travelling and subsistence allowances in respect of any period spent on the business of the Council as the National Council of Ministers may determine, but no other remuneration shall be paid to any member of the Council.

8. The validity of any proceedings of the Council or of a committee thereof shall not be affected by any vacancy in the membership of the Council or committee, or by any defect in the appointment of a member of the Council or of a person to serve on the committee, or by a reason that a person not entitled to do so took part in the proceedings.

9. Any member of the Council, and any person holding office on a committee of the Council, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a committee thereof shall forthwith disclose his interest to the Council and shall not vote on any question relating to the contract or arrangement. 1986 No. 10.

SECOND SCHEDULE

PROCEEDINGS IN RESPECT OF WHICH LEGAL AID MAY BE GIVEN

Section 7(1).

A. Proceedings in a court or tribunal (whether at first instance or on appeal) wholly or partly in respect of crimes of the following descriptions, or as near to those descriptions as may be, respectively in any Criminal Code or Penal Code, that is to say—

Criminal Code

Penal Code

- | | |
|---|--|
| 1. Murder of any degree. | Culpable homicide punishable with death. |
| 2. Manslaughter. | Culpable homicide not punishable with death. |
| 3. Maliciously or wilfully wounding or inflicting grievous bodily harm. | Grievous hurt. |
| 4. Assault occasioning actual bodily harm. | Criminal force occasioning actual bodily hurt. |

B. Aiding and abetting, or counselling or procuring the commission of, or being an accessory before or after the fact to, or attempting or conspiring to commit, any of the offences listed in paragraph A of this Schedule.

C. Civil claims in respect of accidents.

LEGAL AID ACT

CHAPTER 205

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Legal Aid Regulations.	PAGE 7525
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*Legal Aid Act***LEGAL AID REGULATIONS**S.I. 21 of
1988.*Commencement: 14th March 1986*

1. The Legal Aid Council (hereinafter referred to as "the Council") shall cause legal advice to be given free in any office of the Council, court, police stations or prison in any civil or criminal matter by legal practitioners appointed by or in the service of the Council

Legal advice.

2. (1) An application for Legal Aid in respect of criminal proceedings shall be in the Form No. LAC. 2 (Criminal) set out in the Schedule to these Regulations.

Application
for Legal
Aid.

(2) An application for Legal Aid in respect of civil proceedings shall be in the Form No. LAC 3 (Civil) set out in the Schedule to these Regulations.

3. (1) For the purpose of undertaking or defending legal proceedings (civil or criminal) in a matter in which the Council has jurisdiction for the time being to grant Legal Aid, a person shall be eligible for Legal Aid under section 8 of the Act if, and only if—

Eligibility for
Legal Aid.

(a) he has no income of any type; or

(b) his income per annum does not exceed ₦1,500; or

(c) the court refers his case in the Form No. LAC 1 (Criminal) set out in the Schedule to these Regulations; or

(d) his income per annum exceeds ₦1,500, but the obtaining of legal services outside the Legal Aid scheme would place him in the same position as an applicant as set out in sub-paragraph (a) or (b) of this paragraph; and

(e) it is reasonable in all the circumstances to provide him with Legal Aid.

(2) A person who is eligible for Legal Aid pursuant to sub-paragraph (d) of paragraph (1) of this regulation may be required by the Council to make a contribution towards the cost of the legal services rendered on his behalf.

Means and
needs
guidelines,
etc.

4. The following guidelines shall be observed in determining the means and needs of an applicant for Legal Aid—

(a) an applicant's income which shall include—

(i) his salary, wages, pension, annuity, royalty and business income,

(ii) his income from dividends and debentures, and

(iii) his rents from landed property.

(b) in deciding whether an applicant whose income is above ₦1,500 per annum is eligible to receive Legal Aid, the Council shall take into consideration the following allowable deductions—

(i) income tax payment, whether instalmental or otherwise,

(ii) superannuation contribution, if any,

(iii) one-half of any sum paid by the applicant for boarding or lodging,

(iv) rent or mortgage payable for the dwelling in which the applicant resides,

(v) maintenance of the spouse or children of the applicant,

(vi) local government and water rates on the dwelling house in which the applicant resides, and

(vii) insurance premium on the applicant or on the dwelling house in which the applicant resides.

Valuation of
assets.

5. (1) The value of the assets of an applicant shall include the following—

(a) money immediately available or obtainable by borrowing or selling a marketable asset or convertible security such as shares, debentures, real property (other than a dwelling house), jewellery or other effects;

(b) a plot of land other than that on which the applicant's home is built; and

(c) unusually valuable or expensive items of household furniture or effects.

Legal Aid Act

(2) The following shall be excluded for the purpose of calculating the assets of an applicant, that is to say—

- (a) any motor vehicle essential for domestic or employment purposes; and
- (b) apparel, tools of trade, household furniture and the value of the applicants interest in the dwelling house in which he resides.

(3) In the case of a married applicant, the combined income and combined assets of both husband and wife shall be taken into account if they are living together.

6. (1) The amount of contribution a person whose income exceeds ₦1,500 per annum may be required to make under the provisions of section 8 (2) of the Act shall be as stated hereunder that is—

Contributions.

	₦
above ₦1,500 – ₦3,000	100
above ₦3,000 – ₦4,500	150
above ₦4,500 – ₦6,000	200
above ₦6,000 – ₦7,500	250
above ₦7,500 – ₦10,000	300
above ₦10,000	1,000

(2) An order of contribution shall be made as specified in Form No. LAC 4 set out in the Schedule to these Regulations.

(3) The contribution may be ordered to be paid at once or instalmentally to the Legal Aid Fund established under the Act.

(4) An applicant for or recipient of Legal Aid shall notify, without delay, the Director-General, his representative or counsel in charge of the case of any change in his condition making inaccurate any information supplied by him to obtain Legal Aid.

(5) The Director-General or his representative may with the approval of the Council refund or waive payment of any contribution paid or ordered to be paid in case of hardships arising from any change of circumstances.

(6) Where there is a change in the circumstances of the legally assisted person making his annual income to be

Legal Aid Act

more than ₦1,500 per annum, the Director-General or his representative may require him to make contributions towards the cost of the legal proceedings (whether criminal or civil) concerned.

(7) Where a court or tribunal awards damages to a legally assisted person whose income is not above the sum of ₦1,500 per annum, the Council may retain 10 *per cent* of the damages in addition to the costs, if any, awarded him if the damages so awarded will raise the said income above ₦1,500.

(8) Payment of a refund, if any, to which a legally assisted person is entitled under section 8 (2) (a) of the Act may only be made after the Council shall have deducted 10 *per cent* of the damages awarded in addition to the costs awarded to him.

Choice of
legal
practitioners.

7. (1) Where a person granted Legal Aid has not chosen a legal practitioner to act for him, he may, subject to the provisions of section 12 (4) of the Act, be offered a choice of a private legal practitioner on the panel maintained by the Council or a member of staff of the Council.

(2) Subject to the provisions of these Regulations, a person who applies for Legal Aid through a private legal practitioner shall be referred by the Council to that legal practitioner upon a grant of Legal Aid:

Provided that the referral shall not be made—

- (a) where the private legal practitioner's name has not been placed on or has been removed from the panel maintained pursuant to section 12 of the Act;
- (b) if to make the referral will be contrary to the Council's duty of ensuring that the commitment and actual financial commitments of the Council do not exceed the funds available to it from time to time; or
- (c) where there is some other good reason or information for the Council not to do so.

(3) A legally assisted person shall have the right to change the legal practitioner assigned to him provided that—

Legal Aid Act

- (a) he first gives notice in writing to the Director-General of his intention to do so and gives reasons;
- (b) the Director-General or his representative approves the change; and
- (c) as a general rule, no additional expense is incurred by the change.

(4) Where a person qualifies for Legal Aid, the legal staff of the Council or the National Youth Service Corps legal practitioners in the service of the Council only, shall, if available, be assigned to act for him—

- (a) where the matter involves a holding charge in a Magistrate's Court; and
- (b) where the matter involves negotiations preliminary to legal proceedings in court.

8. (1) Only one claim shall be submitted by a private legal practitioner to the Council on completion of the subject matter of the assignment. General conditions of referral.

(2) It shall be the responsibility of the Council to settle all counsel's fees and reasonable claims for out-of-pocket expenses incurred from the day of the referral.

(3) A legally assisted person shall accept the advice of the legal practitioner to whom he is assigned and it shall be the duty of the private legal practitioner to report to the Council any significant failure to accept such advice which in his legal judgment shall prejudice the client's interest or the conduct of the case.

(4) The Council may not accept responsibility except in exceptional circumstances for the payment of any out-of-pocket expenses in excess of ₦150 unless the consent to incur such sum of money has been expressly obtained.

(5) A private legal practitioner who has rejected any assignment shall notify his rejection in writing within 14 days of the notification of the grant of Legal Aid; failure to do so shall be deemed as an acceptance of the assignment and he shall be bound by all conditions of the grant of legal aid except otherwise agreed, but an extension of time to acceptance may be permitted in special circumstances.

(6) No agreement shall be entered into with the other party to the proceedings which might limit an applicant's right to recover costs without the consent of the Council first having been obtained.

(7) A private legal practitioner appointed by the Council shall—

- (a) advise the Council of any relevant developments in the conduct of the matter which would make the cost exceptionally high; failure to notify may result in the exercise by the Council of the right to decline to accept liability for such cost;
- (b) advise the client to inform the Council of any circumstances which come to his notice and are relevant to the continuance of Legal Aid and in particular any alteration to an assisted person's financial circumstances;
- (c) on completion of the matter assigned to him, forward a report containing in particular, the full details of all moneys recovered and the following information—
 - (i) certificates of completion in the Form LAC 5 (Criminal) and Form LAC 6 Civil set out in the Schedule to these Regulations,
 - (ii) results of the action, including details of orders made, and
 - (iii) particulars of any order for costs;
- (d) subject to the exercise of the discretion of the Director-General in appropriate cases to call for an itemised bill, submit an account in narrative form sufficient to enable an officer of the Council to determine if the sum charged for each kilometre covered and hotel accommodation is fair and reasonable and any claims not supported by relevant bills may not be paid.

Receipt of
moneys.

9. (1) Where an applicant is ordered to pay any amount by way of contribution, the private legal practitioner to whom the matter is assigned shall be deemed to be the Council's duly authorised agent where necessary to receive

Legal Aid Act

such contribution on its behalf and pay same into the Legal Aid Fund.

(2) Any funds whatsoever received by a private legal practitioner on behalf of any applicant shall be paid by him into the Legal Aid Fund and for the avoidance of doubt, every private legal practitioner shall receive the proceeds of any judgments, order or settlement and pay same into the Legal Aid Fund.

(3) Where a legally assisted person receives any compensation without the knowledge of the legal practitioner assigned to him, he shall pay into the Legal Aid Fund 10 *per cent* of the received sum in addition to any reasonable out-of-pocket expenses incurred by the legal practitioner.

(4) The Council may by notice in writing direct a legally assisted person or a private legal practitioner acting for such person to pay into the Legal Aid Fund the whole, or such part as may be deemed fit by the Council and specified in the notice, of any money recovered by or on behalf of the person in any proceedings in respect of which Legal Aid was granted to him.

10. The grant of Legal Aid may be varied at any time so as to terminate the provision of legal assistance, alter the nature or extent of the legal assistance, require the applicant to pay contribution or an increased contribution to the Council.

Discretionary powers of the Council.

11. If so required by the Council, a private legal practitioner shall produce to the Council the file or files relating to the matter in respect of which Legal Aid was granted.

Production of files.

12. (1) Subject to the exercise of the discretion of the Council, Legal Aid shall be granted only in relation to the matter of the proceedings specified in each letter of assignment.

Legal Aid in respect of other matters.

(2) An extension of Legal Aid granted to an applicant to cover other matters or proceedings shall only be by the approval of the Council expressed in writing.

Legal Aid Act

Notice of
termination
of Legal Aid.

13. No private legal practitioner shall cease to act in a matter except on receipt of a notice in writing from the Council informing him that the grant of Legal Aid has been terminated or that the briefs have been handed over to another private legal practitioner.

Limited
liability of
the Council.

14. (1) The Council shall not accept liability to pay any fees charged in respect of any or all of the following—

- (a) assisting an applicant to complete an application form as required by the Council;
- (b) interviews, letters and communications with the client for the Council for the purpose of an application for Legal Aid; and
- (c) preparation of and work done in connection with any itemised bills which the Council requires.

Approval of
Council.

15. (1) Subject to the provisions of section 13 (7) of the Act, no private legal practitioner shall be briefed in any matter without the approval of the Council in writing.

(2) When the approval is given, a private legal practitioner shall not be briefed except upon the terms of the grant by the Council.

Duties of
legal
practitioner.

16. A legal practitioner shall, with respect to any application for Legal Aid, assigned matter or account, be charged with the responsibility to provide all information and give such assistance as the Council may require from time to time, including information required pursuant to the provisions of section 15 of the Act.

Payment of
legal
practitioners.

17. (1) Where a private legal practitioner performs or has performed legal services on behalf of a legally assisted person, he shall not demand, take or accept payment for performing the services in respect of which the legally assisted person is receiving or has received Legal Aid under the Act other than the payment or payments to which he is entitled under the Act and the provisions of these Regulations.

(2) No private legal practitioner shall make a claim for any out-of-pocket expenses or fees for the payment of which he could have obtained exemption pursuant to the provisions of section 9 (4) and (5) of the Act.

Legal Aid Act

18. No grant of Legal Aid to a client may be terminated by the client or by the private legal practitioner to whom the matter is assigned without the consent of the Council being obtained and the grant may only be terminated on such conditions as the Council may determine.

Termination
of Legal Aid.

19. (1) The Council reserves the right to fix individual terms and conditions where appropriate to any individual matter assigned.

Terms and
conditions.

(2) No private legal practitioner shall purport to charge any fee except as may be approved by the Council.

(3) It shall be the duty of a legal practitioner in a legally assisted matter to ascertain the terms and conditions approved by the Council.

20. In these Regulations unless the context otherwise requires the expressions used shall have the same meaning as provided in the Act.

Interpreta-
tion.

21. These Regulations may be cited as the Legal Aid Regulations.

Short title.

Legal Aid Act

SCHEDULE

FORM No. LAC 1 (CRIMINAL)

LEGAL AID ACT

Cap. 205

Regulation 3 (1) (c)

DEFENCE CERTIFICATE (SPECIFIED OFFENCE)

Charge No

In the of State
..... holden at

(i) The State/Commissioner of Police

Versus

To: The Director-General of Legal Aid

I certify that of
(Full name of person charged)

.....
being a person charged before this court with the specified offence of
.....
has been examined by me as to his means and it appears that he has
insufficient means to obtain the services of a legal practitioner to represent
him at his

I have this day granted him this Legal Aid Certificate
The person charged is remanded in custody at the

DATED this day of 19

(ii)

* (i) Delete words not applicable.

(ii) Signature of Judge, Magistrate or other person presiding.

Legal Aid Act

FEDERAL REPUBLIC OF NIGERIA
FORM No. LAC 2 (CRIMINAL)
LEGAL AID ACT
Cap. 205

APPLICATION FOR LEGAL AID *Regulations 2 (1) and 4.*

To: The Director-General of Legal Aid

I,
Full Name (Surname First)

hereby apply for legal aid to defend proceedings*/continue with proceedings* in the Magistrate's/District*/High Court*/Court of Appeal*/Supreme Court* and I declare the following information to be true and correct to the best of my knowledge, information and belief.

*Delete where not applicable.

(Note.—The Legal Aid Act Cap. 205 prescribes a fine of ₦200 or imprisonment for six months or both fine and imprisonment for any person convicted for knowingly or recklessly making a statement in his application for legal aid which is false in any material particular).

PART 1.—PERSONAL PARTICULARS OF APPLICANT

.....
Surname (Block letters) *Other Names*

.....
Address *Home* *Office*

.....
Date of Birth *Occupation* *Marital Status* *Tel. No.*

Home

Business

Legal Aid Act

PART 2.—PARTICULARS OF APPLICANT'S SOLICITOR

(Complete this part only if you have consulted a solicitor

(Note.—If your solicitor's name is not on the panel of lawyers kept in the Legal Aid Council, another solicitor registered on the panel will be assigned to you).

<i>Solicitor's Name</i>	<i>Name of Solicitor's Firm</i>	<i>Tel. No.</i>
<i>Address:—</i>		

PART 3.—MATTER IN WHICH LEGAL AID IS SOUGHT

1. Give full details of the offence with which you have been charged. Leave this section blank if you are appealing against a conviction or sentence and complete paragraph 2.

-
(a) What is the nature of the offence alleged.
-
(b) In which court is the charge to be heard and where is the court located.
-
(c) What is/are the date/s of the next court appearance.
-
(d) Is the matter for plea, a hearing, a committal, or a trial.
-
(e) If you are applying for assistance through your solicitor do you propose to plead guilty or not guilty.
-
(f) What is the nature of your defence: (i) Legal (ii) Denial
-
(g) If you have any prior convictions, provide details.

Legal Aid Act

2. If appealing against a conviction or sentence complete this section.

- (a) I am appealing against: *conviction/sentence/both
(b) Sentence imposed
(c) Date imposed
(d) Court appealed to and location

*Delete words not applicable

PART 4.—PARTICULARS OF HUSBAND OR WIFE OF APPLICANT INCLUDING DE FACTO PARTNER

Surname (Block Letters)

Other Names

Address

Occupation

PART 5.—PARTICULARS OF DEPENDANTS OF APPLICANT

Name Date of Birth Relationship to Applicant Amount Expended on Maintenance in the Year ended 31st December, 19

.....
.....
.....
.....
.....

PART 6.—PARTICULARS OF EMPLOYMENT

1. If you are presently employed

- (a) Name of employer
(b) Address
(c) Type of job
(d) Length of service
(e) Present pay per annum

2. If you are presently unemployed

- (a) Date of employment terminated
(b) Name of last employer
(c) Address

Legal Aid Act

- (d) Length of service
- (e) Pay at date of termination

PART 7.—PARTICULARS OF ANNUAL INCOME AND EXPENDITURE

A. INCOME

APPLICANT WIFE/HUSBAND

- (a) Gross annual salary/wage or net business income (*Attach pay slip*)
- (b) Other sources of income (e.g. Dividends, maintenance, etc.)

B. EXPENDITURE

- (a) Income tax
- (b) Contribution to National Provident Fund
- (c) Rent or mortgage payments on house in which applicant lives—
state type of payment
- (d) Board
- (e) Land and water rates, etc.
- (f) Maintenance payments for spouse and children
- (g) Hire purchase or other instalment payments, or other payments on
household items (Names of hirers and/or persons to whom payments
are made are to be provided)
 - (i)
 - (ii)
 - (iii)
- (h) Hire purchase or other instalment payments on motor vehicles
(Names of hirers and/or persons to whom payments are made are
to be provided)
 - (i)
 - (ii)
 - (iii)
- (i) Child minding or kindergarten expenses
- (j) Life Insurance Policy Payments
- (k) House Insurance Policy Payments
- (l) Other weekly commitments—give details

PART 8.—PARTICULARS OF ASSETS AND LIABILITIES

Applicant Wife/Husband

1. Dwelling House

- (a) Address
- (b) Market value
- (c) If mortgaged, state amount mortgaged and to whom
- (d) State in whose name/s the house is registered.

Legal Aid Act

2. Ownership of house and/or land other than dwelling house—give details.

3. Value of household goods and furniture.

4. Ownership of motor/vehicle

(a) Year/Model

(b) Value

(c) Amount owing.

5. Full details of any money held either or jointly with any other person including amounts held in savings accounts, deposit accounts, credit unions, building societies, etc.

6. Full details of any other monies on hand, shares, debentures, monies owed to you.

7. Details of any other assets.

PART 9.—PARTICULARS OF FINANCIAL SITUATION OTHER THAN INCOME
AND ASSETS

1. Are there any special circumstances affecting your financial situation?
Yes, No If so, details are to be provided.

2. Is there any person or any other source whereby financial assistance might be provided and what attempt have you made to obtain such assistance?

PART 10.—WAIVER OF PRIVILEGE

The applicant agrees that the Legal Aid Council may require his/her counsel to furnish information about the proposed proceedings to its own officers and to this extent the applicant waives the privilege of barrister and/or solicitor and client.

PART 11.—SELECTION OF SOLICITOR

(a) I understand that—

(i) I have the right to select a private legal practitioner of my own choice who is willing to act in legal aid matters and whose name is included on the list maintained by the Legal Aid Council; or

(ii) that I have the right to select a lawyer on the staff of the Council; or

(iii) that I may have a lawyer selected for me from a list of private legal practitioners maintained by the Council.

Legal Aid Act

5. I have checked in detail the contents of this application with the applicant and have explained to him/her his/her duty pursuant to the Legal Aid Act Cap. 205.

*Strike out paragraph 3 and 4 if proceedings have not commenced.

Dated this day of 19

.....
Solicitor for the Applicant

FOR OFFICE USE ONLY

1. Legal Aid *granted/*Refused/*subject to contribution.
2. *Amount of Contribution ~~£~~ : k
3. *Official Receipt No.
4. *Reasons for Refusal.

.....
Signature of Processing Officer

*Delete where not applicable.

Legal Aid Act

FEDERAL REPUBLIC OF NIGERIA

FORM No. LAC 3 (CIVIL)

LEGAL AID ACT

Cap. 205

APPLICATION FOR LEGAL AID

*Regulations 2 (2)
and 4.*

To: The Director-General of Legal Aid

I,
Full Name (Surname First)

hereby apply for legal aid to institute proceedings*/continue with proceedings* in the Magistrate's*/District*/High Court*/Court of Appeal*/Supreme Court* and I declare the following information to be true and correct to the best of my knowledge, information and behalf.

*Delete where not applicable.

(*Note: The Legal Aid Act Cap. 205 prescribes a fine of two hundred naira or imprisonment for six months or both fine and imprisonment for any person convicted for knowingly or recklessly making a statement in his application for legal aid which is false in any material particular.*)

PART 1.—PERSONAL PARTICULARS OF APPLICANT

<i>Surname (Block letters)</i>		<i>Other Name</i>	
<i>Address</i>	<i>Home</i>		<i>Office</i>
<i>Date of Birth</i>	<i>Occupation</i>	<i>Marital Status</i>	<i>Tel No.</i> <i>Home</i> <i>Business</i>

PART 2.—PARTICULARS OF APPLICANT'S SOLICITOR

(Complete this part only if you have consulted a solicitor)

(*Note.—If your solicitor's name is not on the panel of lawyers kept in the Legal Aid Council, another solicitor registered on the panel will be assigned to you.*)

<i>Solicitor's Name</i>	<i>Name of Solicitor's Firm</i>	<i>Tel. No.</i>
<i>Address</i>		

Legal Aid Act

PART 3.—MATTER IN WHICH LEGAL AID IS SOUGHT

GIVE FULL DETAILS OF MATTER IN WHICH LEGAL AID IS SOUGHT
If proceedings have already commenced, state what stage they have reached and which party commenced them. Attach copies of all statements, medical reports, depositions and other relevant documents or evidence.

- (a) Nature of proceedings
- (b) If already commenced, indicate stage reached and which party commenced them
- (c) Name and address of other party to the proceedings
- (d) Facts of the matter (Attach copies of all statements, medical reports, depositions and other relevant documents)
- (e) Appeal

(Note.—Your application will not be considered if you fail to supply above details).

PART 4.—PARTICULARS OF WIFE/WIVES OR HUSBAND

Surname (*Block Letters*) Other Names

Address

Occupation.....

PART 5.—PARTICULARS OF DEPENDANTS OF APPLICANT

<i>Name</i>	<i>Date of Birth</i>	<i>Relationship to Applicant</i>	<i>Amount Expended on maintenance in the Year ended 31st December, 19</i>
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PART 6.—PARTICULARS OF EMPLOYMENT

1. If you are presently employed

- (a) Name of employer
- (b) Address
- (c) Type of job
- (d) Length of service
- (e) Present pay per annum

2. If you are presently unemployed

- (a) Date of employment terminated
- (b) Name of last employer
- (c) Address
- (d) Length of service
- (e) Pay at date of termination

Legal Aid Act

PART 7.—PARTICULARS OF ANNUAL INCOME AND EXPENDITURE

Applicant: Wife/Husband

A. INCOME:

- (a) Gross Annual Salary/Wage or net business income (Attach pay slip)
- (b) Other sources of income (e.g. Dividends, maintenance, etc.)

B. EXPENDITURE

- (a) Income Tax
- (b) Contribution to National Provident Fund
- (c) Rent or mortgage payments on house in which applicant lives—state type of payment
- (d) Board
- (e) Land and water rates, etc.
- (f) Maintenance payments for spouse and children
- (g) Hire Purchase or other instalment payments, or other payments on household items (Names of hirers and/or persons to whom payments are made are to be provided)
 - (i)
 - (ii)
 - (iii)
- (h) Hire Purchase or other instalment payments on motor vehicle (Names of hirers and/or persons to whom payments are made are to be provided)
 - (i)
 - (ii)
 - (iii)
- (i) Child minding or kindergarten expenses
- (j) Life Insurance Policy Payments
- (k) House Insurance Policy Payments
- (l) Other Weekly Commitments give details

PART 8.—PARTICULARS OF ASSETS AND LIABILITIES

Applicant: Wife/Husband

1. Dwelling House

- (a) Address
- (b) Market Value
- (c) If mortgaged, state amount mortgaged and to whom
- (d) State in whose name/s the house is registered

2. Ownership of house and/or land other than dwelling house—give details.

Legal Aid Act

3. Value of household goods and furniture.
4. Ownership of motor/vehicle
 - (a) Year/Model
 - (b) Value
 - (c) Amount Owing
5. Full details of all money held either jointly with any other person including amounts held in saving accounts, deposit accounts, credit unions, building societies, etc.
6. Full details of any other monies on hand, shares, debentures, monies owed to you.
7. Details of any other assets.

PART 9.—PARTICULARS OF FINANCIAL SITUATION OTHER THAN
INCOME AND ASSETS

1. Are there any special circumstances affecting your financial situation? Yes, No. If so, details are to be provided.
2. Is there any person or any other source whereby financial assistance might be provided and what attempt have you made to obtain such assistance.

PART 10.—WAIVER OR PRIVILEGE

The applicant agrees that the Legal Aid Council may require his/her counsel to furnish information about the proposed proceedings to its own officers and to this extent the applicant waives the privilege of barrister and/or solicitor and client.

PART 11.—SELECTION OF SOLICITOR

- (a) I understand that—
 - (i) I have the right to select a private legal practitioner of my own choice who is willing to act in legal aid matters and whose name is included on the list maintained by the Legal Aid Council; or
 - (ii) that I have the right to select a lawyer on the staff of the Council; or
 - (iii) that I may have a lawyer selected for me from a list of private legal practitioners maintained by the Council.
- (b)
 - (i) I select Mr/Mrs a private legal practitioner.
 - (ii) I select Mr/Mrs a lawyer on the staff of the Legal Aid Council.

Legal Aid Act

- (iii) I wish to have a private legal practitioner selected for me.
- (iv) I wish to have a Legal Aid Council lawyer selected for me.

Dated at this day of 19

.....
Applicant

PART 12.—CERTIFICATE BY A PRIVATE LEGAL PRACTITIONER

(To be completed if application is submitted by a private legal practitioner)

1. The applicant is the *applicant/*respondent/*plaintiff/*defendant/*appellant in the proceedings.

*Strike out the words that are inapplicable.

2. In my opinion the applicant has reasonable justification for and evidence to support the course of action for which legal assistance is sought. I attach a brief statement as to the facts, and the law in support of this opinion.

*3. I have explained to the applicant that legal assistance, if granted, will apply only to costs and disbursements incurred after the date from which assistance is granted by the Legal Aid Council.

*4. The proceedings have reached the following stage;

.....
.....
.....
.....
.....
.....

5. I have checked in detail the contents of this application with the applicant and have explained to him/her his/her duty pursuant to the Legal Aid Act Cap. 205.

*Strike out paragraph 3 and 4 if proceedings have not commenced.

Dated this day of 19

.....
Solicitor for the Applicant

Legal Aid Act

FOR OFFICE USE ONLY

1. Legal Aid *granted/*Refused/*subject to contribution.
2. *Amount of Contribution.
3. *Official Receipt No.
4. *Reasons for Refusal.

.....
Signature of Processing Officer

*Delete where not applicable.

FORM No. LAC 4
LEGAL AID ACT
Cap. 205

ORDER OF CONTRIBUTION *Regulation 6 (2)*

Having examined the means of
an applicant for legal aid, I make an order for contribution for ₦ ..
to be paid on the following terms:

Dated this day of 19

.....
Director-General of Legal Aid

To: To above-named applicant:

.....
.....
.....

Accounts Section, Legal Aid Council, Lagos

Legal Aid Act

FORM No. LAC 5 (CRIMINAL)

FEDERAL REPUBLIC OF NIGERIA

LEGAL AID ACT

Cap. 205

CERTIFICATE OF COMPLETION

Charge No.

Appeal No.

..... *Court of* *Holden at*

*State/Commissioner of Police

Versus

To: The Director-General of Legal Aid Council

This is to certify that
(*Name of Solicitor*)

represented the *accused/appellant in the above-mentioned case which commenced on the day of and ended on the day of 19 when judgment was delivered.

The verdict was as follows:—

- *Judge
- *Chief Magistrate/Magistrate
- *Registrar of the Court

*Delete words not applicable.

Legal Aid Act

FORM No. LAC 6 (CIVIL)
FEDERAL REPUBLIC OF NIGERIA
LEGAL AID ACT
Cap. 205

CERTIFICATE OF COMPLETION

Regulation
7 (9) (i)

Suit No.

Appeal No.

..... *Court of* *Holden at*

BETWEEN:

..... *Plaintiff*

AND

..... *Defendant*

To: The Director-General of Legal Aid Council

This is to certify that
(*Name of Solicitor*)

represented the *plaintiff/appellant in the above-mentioned case which commenced on the day of and ended on the day of 19 when judgment was delivered.

The judgment was as follows:—

- *Judge
- *Chief Magistrate/Magistrate
- *Registrar of the Court

*Delete words not applicable.